

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

MARIO RUIZ :
Petitioner :
: :
v. : CIVIL NO. 1:12-CV-1809
: :
FRANK STRADA, Warden :
Respondent :
:

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On September 10, 2012, Petitioner, Mario Ruiz, filed a habeas petition pursuant to 28 U.S.C. § 2241, arguing that his sentence was improperly calculated. He asserts that his state and federal sentences should run concurrently. On October 18, 2012, Respondent filed a response. On January 3, 2013, Magistrate Judge Blewitt issued a report, and recommended that we deny the petition. The parties filed a stipulation to stay proceedings pending a determination from the sentencing judge about whether Petitioner's federal sentence should run concurrent or consecutive to his state sentence.

On July 16, 2013, Respondent filed a notice indicating that lifting the stay is appropriate, because the sentencing judge recommended to the Bureau of Prisons ("BOP") that the state sentence run concurrent with the federal sentence. The BOP also verified that petitioner's sentence has been recalculated to reflect this recommendation.

AND NOW, this 12th day of August, 2013, upon consideration of the report and recommendation of the magistrate judge (Doc. 9), filed January 3, 2013, to which no objections were filed, and upon independent review of the record, it is ordered that:

1. The magistrate judge's report is adopted.
2. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DENIED.
3. The Clerk of Court shall close this file.
4. A certificate of appealability is denied.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge